

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

|                          |   |                               |
|--------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA | ) |                               |
|                          | ) |                               |
|                          | ) | Case No. 1:06-CR-140-002      |
| v.                       | ) |                               |
|                          | ) | Chief Judge Curtis L. Collier |
|                          | ) |                               |
| TOMMY PHILLIPS           | ) |                               |

**ORDER**

On April 18, 2007, United States Magistrate Judge William B. Mitchell Carter conducted a plea hearing in this case and filed a Report and Recommendation (“R&R”). The R&R recommends (1) the Court accept the defendant’s guilty plea as to the lesser included offenses<sup>1</sup> of Count One of the Indictment; (2) the Court adjudicate the defendant guilty of the charges to which he has pleaded; (3) the Court accept the defendant’s plea agreement at the time of sentencing; and (4) the defendant remain in custody until sentencing (Court File No. 155).

Neither party has filed an objection to the R&R within the given ten days. Therefore, after reviewing the record, the Court **ACCEPTS** and **ADOPTS** the R&R (Court File No. 155) pursuant to 28 U.S.C. § 636(b)(1), and **ORDERS** as follows:

(1) The defendant’s guilty plea as to the lesser included offenses of Count One of the Indictment is **ACCEPTED**;

(2) The defendant is hereby **ADJUDGED** guilty of the charges to which he has pleaded;

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<sup>1</sup> According to the R&R, the defendant pleaded to conspiracy to distribute 500 grams or more of a mixture and substance containing cocaine and 100 kilograms or more of a mixture and substance containing a detectable amount of marijuana, in violation of 21 U.S.C. §§ 846, 841(a), & (b)(1)(B).

(3) A decision to accept the plea agreement is **DEFERRED** until sentencing; and

(4) The defendant **SHALL REMAIN** in custody until sentencing in this matter. Sentencing is set for **Thursday, July 26, 2007, at 9:00 a.m.**

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**